

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ADRIAN S. HOLMES
Plaintiff

UNITED STATES OF AMERICA, et al.
Defendants

)
CASE No. #

FILED
SCRANTON

MAY 12 2011

)
Judge:

PER

EF
DEPUTY CLERK

MOTION: COMPLAINT/PRIVACY ACT

Here Comes A Plaintiff That Is Being Held Hostage Inside Of A United States Penitentiary U.S.P. Lewisburg, P.O. Box 1000, Lewisburg, PA 17837 To Be Perspicacious. HISTORY On January 22, 1999 Plaintiff HOLMES, Was Sentence To Then 180 Months / 15 yrs. With 362 Days Jail Credit. UNTIL Dec. 14, 2009 An ORDER Was Sent To The Designation And Sentence Computation Center (DSCC) In Grand Prairie, Texas The District Judge: S. Thomas W. Phillips OF KNOXVILLE, TENNESSEE Done By: Grace Woods-Coleman (See Attachment: The ORDER Motion) To Change Plaintiffs' Sentence To NOW 168 ^{1/4} yrs. - The Creation Of All Of This Action Was Created By The New Crack (§3582) AW) Which Was Created/Establish In Dec. **, 2007 Went Into Effect On March 3, 2008. Which Plaintiff HOLMES, Fit The Qualification. What Triggers Plaintiffs' Sentence Level Is At Level 26 But Mr. HOLMES, Was Sentence To Level 29, Category VI At 151-188. Mr. HOLMES, Received 180 mo. - The District Attorney Steven H. Cook, Agrees That Mr. HOLMES Sentence Triggers At Level 26 Then Applying the 2 Level Reduction RESULT Level 24 100-125 (See Attachment: Sentencing Table) But Plaintiff HOLMES, Were Enhance By (4) Four Levels At Level 28 Category VI At 140-175 Received 168 ^{1/4} yrs. In 851 (ENHACEMENT) Were Ever Did/ Done In Plaintiff's Sentence. Mr. HOLMES, Is (PRO-SE) In The Case, Case No. # 3:98-CR-6, An HAVE NOT Receive ANY Paper-Work On the Time Change From The Court.

FACTUAL FINDINGS

Plaintiff Mr. HOLMES Bogusly Receives An 12 Months Reduction Which As Of Now Sentence Is 14 yrs. 168 Months. Plaintiff Mr. HOLMES Has Been Incarcerated 13 yrs & 3 Months. On A 14 yrs Sentence At 85% Federal Time You Do 12 Years And 5 Months, On The Old Sentence 180 Mo. / 15 yrs. At 85% You Do 3 yrs. & 9-5 Months. - **FACTS** (See Attachment: Exhibit II Sentence Monitoring Good Time Data Sheet) It Shows Starting From The Year 1998 Until 2006, Plaintiff Mr. HOLMES Earned 358 Days G.C.T. (Good Conduct Time) Also See (The Following Sheet That Has Plaintiffs' Exhibit (1) Marked At The Top Circle: B.O.P. Policy Statement Sheet **CLEARLY** States There **SHALL** Never Be Any Subtraction/Forfeited Which It Has Been Done In Plaintiff's HOLMES Situation For Whatever Reason (Disciplinary Wise etc.) Mr. HOLMES Do NOT receive His 54 Days For Those Said Years Atte. **SHALL** **MUST** Continue To Show Earned G.C.T. Good Conduct Time At: 358 Days Earn An **NOT** Subtract Nor Forfeited To 209 Days Which Were Done In The Year Of 2008 **ALL TIMES** It **SHALL** Be 358 Days Earn All The Way Down Until **ANY** G.C.T. Is Earned - **FACT FINDINGS**: Under The Old Sentence 180 Mo. / 15 yrs. Shows Plaintiffs' Full Expiration 2013 Good Time Starting From The Front In The Year 2011 Of Feb. or March. Once The 12 Months Reduction Is Applied It drops THE Full Expiration Change To Year 2012 Along With The Front G.C.T. (Round OFF By 18 Months) Drops From The Month's Year Of March 2011 To Now Year 2010 Added By 358 Earn G.C.T. - **EVEN IF** Under The 15 yrs Front G.C.T. Were At January 12, 2012 Once Applied The 12 Months It Change Also To January 12, 2011 Then Apply The 358 Days Starting From The Entry Date Of The NEW Sentence Time - Which Would Be January 5-6, 2010) - **FACTS** Of Proof Has Been Shown Mr. HOLMES Is On Over Done Time (Excessive Time) **A STRONG VIOLATION** Under The **CONSTITUTION** AMENDMENT(s) & LAW(s)

SUPPORTING FACTS

See: EXHIBIT I. (The ORDER)

See: Exhibit II (Sentence Monitoring Good Time Data - (Also Attach) Policy - (2)

Statement (Stating Plaintiff HOLMES Exhibit (1) Also Circle) Also Attach Is Sentence Table
Guidelines Manual
See Exhibit III (CONSIDERATION/RE-CONSIDERATION, Also Memorandum)
See Exhibit II (MOTION FOR SUMMARY JUDGMENT, Exhibit (A) Rehears Date)
See Exhibit I (As To ADMINISTRATIVE Remedies, APPEALS)
Read Each Exhibits Cover Sheet I-V

SUPPORTING CASES FACTS

Sellers v. BUREAU OF PRISONS, 959 F.2d 307 (D.C.Cir. 1992) "As Long As The
Information Contained In A Agency's Files Is Capable Of Being Verified Under
Sections (e)(5) And (g)(1)(c) Of The Privacy Act, The Agency MUST Take
Reasonable Steps To Maintain The Accuracy Of The Information To Assure
Fairness To The Individual. If The Agency Willfully Or Intentionally Fails To
Maintain Its Records In That Way And As A Result, It Makes A Determination
Diverse To An Individual Then It Will Be Liable To That Person For Money Damages."
HOLMES Do Not Have His NEW Presentence Report, NEW Judgment & Commitment
Or ORDER Inside Of His Central File Here At The Facility; (2) Plaintiff HCL YES
Were (Pro-Se) And Request To Have His (BODY) Present At His Sentence Because At
The Criminal Sentence Mr. HCL YES, Has Disputed Against The PSR & It Is Also Document
In The Presentence Report The True Facts Alone If HCL YES, Would Had Been His Sentencing
& Would Have Argue And Show Facts Why He MUST Be Sentence At Level 24,
Furthermore, Whom Where There Representing Mr. HCL YES, Violation Of Due Process.

CONCLUSION:

HOLMES Due Process Clause Have Been Violated When He Were NOT Present At
sentence And Is Continuing To Be In Violation Because To This Day Mr. HOLMES Do
NOT Have Any Paper Work NEW Presentence Report, NEW Judgment & Commitment, Mr.
HOLMES Is (Pro-Se).

The BOP Do NOT Have My NEW Presentence Report, NEW Judgment & Commitment
Inside Of My Central File;
Mr. HOLMES Is Serving On Over Done Time An Violation Of Constitutional Amendment (Law),
(3)

1) Plaintiff HOLMES, MUST, SHALL, Be IMMEDIATELY RELEASE.

Plaintiff HOLMES Prays That This Honorable Judge & Court
Will Bring Resurrection And Instalment Back Into Constitutional
And Amendments & Law(s) And Clothe Plaintiff HOLMES With It By
Keeping It's OWN Warmth With Justice.

Respectfully
Submitted.

Name: Mr. Adrian L. Holmes

Date: April 10, 2011 SUNDAY

(4)

END.

COVER-SHEET

EXHIBIT: I (The ORDER) N#3:98-CR-6

The ORDER Were Done By: DISTRICT Judge: s/ Thomas W. Phillips
The ORDER Were Then Sent To Designation And Sentence Computation
Center (DSCC) Done By: Grace Woods-Clemian Month Year Dec. 14, 2009
Once, The 12 Months Reduction Were Applied The Sentence Of Old 180m/15y
Change To Now 162m/14yrs - Under The Old Sentence Of 180m/15y
Plaintiff's HOLMES Full Expiration Date Was Then Year 2013 Good Time
Starts At: March **, 2011; Once, The 12 Month Were Applied To Reduce OFF
the NEW Sentence 168m/14yrs. Also Change Full Expiration Date To NOW
Year 2012 Good Time Change Also From March **, 2011 To NOW Year
2010 Then Apply The Earn 358 Days G.C. Good Conduct Time.
Even, IF Plaintiff HOLMES Good Time Was At: January **, 2012 Once The
10 Months Reduction Were Applied It Then Drop Down To January **, 2011
Then Apply The 358 Days G.C. Time Which Is 7 Days Away From Being
Full Year Then The 10 Days The Judge Gave To Process Paper Work.
If The Defendant, The ORDER Were Entry On Dec. 14, 2009, 10 Days
from Then Is Dec. 24, 2009 Then ADD 358 Days 7 Day Short Of A Full
Year Result Rest In January **, 2010 or Sooner.

Grace
Woods-
Coleman

Digitally signed by Grace Woods-
Coleman
DN: cn=Grace Woods-Coleman,
o=DSCC, ou=Bureau of Prisons,
email=gwoodscoleman@bop.gov,
c=US
Reason: verified thru pacer
Date: 2009.12.14 12:15:56 -06'00'

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

v.

ADRIAN HOLMES

)
)
) No. 3:98-CR-6
) (Phillips)
)

ORDER

This matter is before the court on the defendant's *pro se* motions brought pursuant to 18 U.S.C. § 3582(c) [Docs. 105, 113]. The government has filed a response deferring to the court's discretion as to the amount the defendant's sentence might be reduced [Doc. 112]. The court also has received a modified presentence report from the United States Probation Office.

The defendant was sentenced by the Honorable James J. Jarvis on January 22, 1999, to 180 months imprisonment for conspiracy to distribute crack cocaine and for possession of a firearm by a convicted felon. This sentence was based on a guideline range of 151-188 months (base offense level 29 and a criminal history category VI). According to the Bureau of Prisons, the defendant is scheduled for release on January 21, 2012.

Under the retroactive amendment to the crack guidelines, the defendant's new guideline range is 140-175 months (base offense level 28 and a criminal history

category VI). Thus, a comparable sentence near the top of the of the guideline range would be 168 months.

It is hereby **ORDERED** that the defendant's motions [Docs. 105, 113] are **GRANTED**, and the defendant's sentence is reduced to 168 months. If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. This Order shall take effect ten (10) days from its entry in order to give the Bureau of Prisons time to process the release of the defendant. Except as provided above, all provisions of the judgment dated January 22, 1999, shall remain in effect.

ENTER:

s/ Thomas W. Phillips
United States District Judge

COVER-SHEET

EXIBIT: II (Sentence Monitoring
Good Time Data- (Also Attach) Policy Statement
nent (Stating Plaintiff HOLMES Exhibit (1) Also Circled)
Also Attach Is Sentence TABLE Guidelines Manual)

1) Sentence Monitoring Good Time Data - You Will See The First Earn 54 Start Date 1-23-1998 Stop Date 1-24-1999 In The Year Of 1-23 2002 (1-24-2003
Earned 1250 Next Year Missed NO Earn 358 Best Earn Vest Still Again Shows
Earned 1250 First Earn 358 1-23-2003 & 1-24-2006; In 1-23-2006 & 1-24-2007
MISSED Still Shows Earn 358, But In The Year 1-25-2007 & 2008 My
Earn Has Been Subtracted/Forfeited To 209 When FACT OF PROOF
(By The Policy Statement Sheet) Clearly Shows There Shall Be Shows
Earn 358 Days All The Way Down Until (1) One Earn Day In Any Year After
The Circled: Explained By B.O.R. That Once Awarded Any Of The 31
And It Vest Earn May NOT Be Forfeited,

3) SENTENCE TABLE GUIDELINES MANUAL

Level 126 Triggers At 100-150 Then Apply 2 Level Reduction At Level
24 100-125 Under The Original Sentence At Level 29 151-188 Received 180
B) Three Levels Higher NOW Sentence (4) Four Level Higher At Level 28
140-175 There's No S51 (ENHANCEMENT)

LEWNV 542*22 *
PAGE 001 OF 001 *SENTENCE MONITORING
GOOD TIME DATA
AS OF 02-24-2010* 02-24-2010
* 10:21:05

REGNO...: 16553-074 NAME: HOLMES, ADRIAN S
 ARS ...: LEW A-DES
 COMPUTATION NUMBER...: 010
 LAST UPDATED: DATE.: 02-09-2010
 UNIT.....: BREWER SMU
 DATE COMP BEGINS....: 01-22-1999
 TOTAL JAIL CREDIT...: 362
 CURRENT REL DT.....: 06-03-2011 FRI
 PROJ SATISFACT DT...: 04-01-2011 FRI
 ACTUAL SATISFACT DT.:
 DAYS REMAINING.....:
 GED PART STATUS....:

PLRA
 FUNC...: PRT ACT DT:
 FACL...: DSC CALC: AUTOMATIC
 QUARTERS.....: D02-202U
 COMP STATUS.....: COMPLETE
 TOTAL INOP TIME....: 0
 EXPIRES FULL TERM DT: 01-25-2012
 PROJ SATISF METHOD..: GCT REL
 ACTUAL SATISF METHOD:
 FINAL PUBLIC LAW DAYS:
 DEPORT ORDER DATED...:

-----GOOD CONDUCT TIME AMOUNTS-----

START DATE	STOP DATE	MAX DIS	POSSIBLE FFT	ACTUAL TOTALS	VESTED AMOUNT	VESTED DATE
01-25-1998	01-24-1999	54	54			
01-25-1999	01-24-2000	54	108			
01-25-2000	01-24-2001	54	149	13		
01-25-2001	01-24-2002	54	203			
01-25-2002	01-24-2003	54	250	7		
01-25-2003	01-24-2004	54	250	55		
01-25-2004	01-24-2005	54	304			
01-25-2005	01-24-2006	54	358			
01-25-2006	01-24-2007	54	358	147	149	
01-25-2007	01-24-2008	54	209	82		
01-25-2008	01-24-2009	54	236	27		
01-25-2009	01-24-2010	54	236	55		
01-25-2010	01-24-2011	54				
01-25-2011	04-01-2011	9				

TOTAL EARNED AMOUNT.....: 236
 TOTAL EARNED AND PROJECTED AMOUNT.....: 299

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

Plaintiffs: HOLMES

Federal Bureau of Prisons
Federal Correctional Institution II
Butner, North Carolina
Page 59

The Comprehensive Crime Control Act became Law in November 1, 1987. The two most significant changes in the sentencing statutes deal with good time and parole issues. There are no provisions under the new law for parole. The only good time available will be 54 days per year good conduct time. This may not be awarded until the end of the year, and may be awarded in part or in whole, contingent upon behavior during the year. Once awarded, it is vested and may not be forfeited. There is no statutory good time or extra good time for people being sentenced for crimes committed after November 1, 1987.

VCLEA & PLRA SENTENCE INFORMATION:

As a result of the passage of the Violent Crime Control and Law Enforcement Act of 1994 (VCLEA), and the Prison Litigation Reform Act (PLRA), the following information applies to inmates considered to be violent offenders.

VCLEA applies to inmates with an offense date on or after September 13, 1994 but before April 26, 1996.

PLRA applies to inmates with an offense date on or after April 26, 1996.

PLRA sentences will be aggregated with other PLRA sentences but not with any other sentence. (Old law, SRA, VCLEA)

Good Conduct Time (GCT), will not vest for a VCLEA inmate when the inmate is in GED UNSAT status.

GCT will not vest for PLRA inmates until the end of their sentences and a PLRA inmate in GED UNSAT status on their anniversary date will only be awarded up to 42 days of GCT for each year he /she remains in JNSAT status.

GED UNSAT status will result if an inmate refuses to enroll in the literacy program, receives an incident report for conduct withing the literacy program, or withdraws from the literacy program.

Line 21

All inmates are required to remain in the literacy program until completion. Should an inmate drop out and re-enroll later, his status will remain GED UNSAT until he has completed an additional 240 hours of literacy programming.

Un-vested GCT will be available for forfeiture (as with old law inmates). The DHO may apply GCT disallowances and forfeitures as follows: For a GED UNSAT VCLEA sentence and PLRA sentence, all GCT for the current year may be disallowed and for forfeited for all prior years not vested. For VCLEA sentences that change from GED UNSAT to a non-GED UNSAT status, the DHO may disallow GCT for the current year but he may not forfeit for prior years.

VCLEA inmates convicted of violent offenses and all PLRA inmates must demonstrate exemplary compliance with institution disciplinary regulations in order to earn GCT. In disciplinary proceedings for VCLEA violent and PLRA inmates the DHO must:

- ▶ disallow at least 41 days of GCT for 100 level violations
- ▶ disallow at least 27 days of GCT for 200 level violations
- ▶ disallow at least 14 days of GCT for 300 level violations
- ▶ and ordinarily disallow 7 days on the third act of a 400 level

Exhibit (A).

SENTENCING TABLE
(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
Zone A	1	0-6	0-6	0-6	0-6	0-6
	2	0-6	0-6	0-6	0-6	1-7
	3	0-6	0-6	0-6	2-8	3-9
	4	0-6	0-6	0-6	2-8	6-12
	5	0-6	0-6	1-7	4-10	6-12
	6	0-6	1-7	2-8	6-12	9-15
	7	0-6	2-8	4-10	8-14	12-18
	8	0-6	4-10	6-12	10-16	15-21
Zone B	9	4-10	6-12	8-14	12-18	18-24
	10	6-12	8-14	10-16	15-21	21-27
Zone C	11	8-14	10-16	12-18	18-24	24-30
	12	10-16	12-18	15-21	21-27	27-33
	13	12-18	15-21	18-24	24-30	30-37
	14	15-21	18-24	21-27	27-33	33-41
	15	18-24	21-27	24-30	30-37	37-46
	16	21-27	24-30	27-33	33-41	41-51
	17	24-30	27-33	30-37	37-46	46-57
	18	27-33	30-37	33-41	41-51	51-63
	19	30-37	33-41	37-46	46-57	57-71
	20	33-41	37-46	41-51	51-63	63-78
	21	37-46	41-51	46-57	57-71	70-87
Reduction Level → 24	22	41-51	46-57	51-63	63-78	77-96
	23	46-57	51-63	57-71	70-87	84-105
Zone D	24	51-63	57-71	63-78	77-96	92-115
	25	57-71	63-78	70-87	84-105	100-125
	26	63-78	70-87	78-97	92-115	110-137
	27	70-87	78-97	87-108	100-125	120-150
	28	78-97	87-108	97-121	110-137	130-162
	29	87-108	97-121	108-135	121-151	140-175
	30	97-121	108-135	121-151	135-168	151-188
	31	108-135	121-151	135-168	151-188	168-210
	32	121-151	135-168	151-188	168-210	188-235
	33	135-168	151-188	168-210	188-235	210-262
	34	151-188	168-210	188-235	210-262	235-293
	35	168-210	188-235	210-262	235-293	262-327
	36	188-235	210-262	235-293	262-327	292-365
	37	210-262	235-293	262-327	292-365	324-405
	38	235-293	262-327	292-365	324-405	360-life
	39	262-327	292-365	324-405	360-life	360-life
	40	292-365	324-405	360-life	360-life	360-life
	41	324-405	360-life	360-life	360-life	360-life
	42	360-life	360-life	360-life	360-life	360-life
	43	life	life	life	life	life

November 1, 1995

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EXHIBIT: III (CONSIDERATION/RE-CONSIDERATION, ALSO, MEMORANDUM)

Even In Bad Faith Plaintiff HOLMES Release Was In April 1, 2011
Which The Warden BxA Bledsoe Along With AxA David Young. In
The Year & Month Of 3-31-2010 & March 5, 2010 For The Year 2011 April 1,
Under The Second Change Act Which Were Sign By Then President:
George W. Bush Jr Done My Work-Sheet - For That Took Take
Place (Means) There No Good Time To Be Taken - To PROOF Further
More Hiddious Acts Plaintiff's HOLMES Release Date Is Now
June 4, 2011 An Subject To Change Again.

Approved: 1:11 AM



UNITED STATES GOVERNMENT

MEMORANDUM

United States Penitentiary
Lewisburg, Pennsylvania 17837

MEMORANDUM FOR B. A. BLEDSOE, WARDEN

FROM: Dave Brewer, Unit Three Manager *D. Brewer*

SUBJECT: EXCLUSION FROM RESIDENTIAL REENTRY CENTER PLACEMENT
RE: HOLMES, Adrian
Reg. No. 16553-074

THRU: David Young, AW(P)

The Unit Team has reviewed the above referenced inmate's case and is **not** recommending the inmate for participation in a Residential Reentry Center (RRC). This decision is based on the Unit Team's individual evaluation of inmate Holmes case in accordance with the Second Chance Act of 2007. Inmate Holmes, Adrian Reg. No. 16553-074, arrived at USP Lewisburg's Special Management Program on May 12, 2009, as a Special Management Unit program transfer from USP Florence. He has a projected release date of April 1, 2011, via Good Conduct Time release procedures.

Comments: Inmate Holmes is a High security level inmate being released from federal custody on April 1, 2011. Inmate Holmes has a current detainer lodged against him from the State of Tennessee for voluntary manslaughter.

Therefore, the Unit Team is recommending inmate Holmes not be afforded the opportunity to participate in a Residential Reentry Center.

Please advise if you concur with our recommendation.

D. Brewer
David Young, AW(P)

Approved

Disapproved

B. A. Bledsoe
B. A. Bledsoe, Warden

Approved

Disapproved

3.31.10

If detainer is removed, please re-submit for RRC.

U.S. Department of Justice

Federal Bureau of Prisons



Date: March 5, 2010

Residential Re-Entry Center Consideration/Re-Consideration**
 (Choose Correct Review Type)

Inmate Name: **Holmes, Adrian** Reg. No.: **16553-074**Projected Release Date: **April 1, 2011** Unit: **Brewer SMU**

Pursuant to the "Second Chance Act of 2007", the unit team is reviewing the above referenced inmate on an individual basis for Residential Re-Entry Center (RRC) placement. The following criteria was considered when making the RRC recommendation:

1. The resources of the facility contemplated; N/A
2. The nature and circumstances of the offense; N/A
3. The history and characteristics of the prisoner; N/A
4. Any statement of the court that imposed the sentence;
 - (a) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or (b) recommending a type of penal or correctional facility as appropriate; N/A
5. Any pertinent policy statement issued by the U.S. Sentencing Commission. N/A
6. Whether the inmate completed (a) Inmate Skills Development programming; N/A
 - (b) non-residential Drug Abuse Treatment Program (DAP) _____
 - (c) Residential Drug Abuse Treatment Program (RDAP) _____

As a component of the above factors, Unit Team has considered the inmate's need for services, public safety and the necessity of the Bureau to manage its inmate population, as outlined in Program Statement 7310.04, Community Corrections Center Utilization and Transfer Procedure.

As a result of the Unit Teams review of the aforementioned criteria we recommend a RRC placement of: **NONE**. This placement recommendation is of sufficient duration to provide the greatest likelihood of successful reintegration into the community.

Comments **Inmate Holmes has a current detainers lodged against him from the State of Tennessee for Voluntary Manslaughter.**

Approved by: **Dave Brewer**
 Printed Name/Signature

Date: 3/5/11

Unit Manager

**Reconsiderations must be noted on Inmate Activity Record
 File: Inmate Central File Section 5

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EXHIBIT: III (MOTION FOR SUMMARY
JUDGMENT AT Exhibit (A) Release Date.)

Will Show And Reflect That The Defendants' Even As Of
Then Proof That I Had A Schedual Release In April 1, 2011
That, That Was Bogus, An By (Me) Plaintiff HOLMES, Incarcerated
Today, Proves Shows Violation \leftrightarrow A HOSTAGE.

PJS:MAS:jmh

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ADRIAN S. HOLMES, : NO. 4:CV-10-1043
Plaintiff :
: (McClure, J.)
v. :
:
WARDEN BLEDSOE, et al. :
Defendants : Filed Electronically

EXHIBITS IN SUPPORT OF DEFENDANTS'
STATEMENT OF MATERIAL FACTS
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

PETER J. SMITH
United States Attorney

Date: August 17, 2010

s/ Melissa A. Swauger
MELISSA A. SWAUGER
Assistant U.S. Attorney
Attorney I.D. No. PA82382
JOANNE M. HOFFMAN
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Phone: (717) 221-4482
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Declaration of Michael S. Romano..... Ex. 1

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ADRIAN S. HOLMES,)
)
)
Plaintiff,)
)
)
vs.) Case No. 4:10-cv-1043
)
)
WARDEN BLEDSOE, ET AL,)
)
)
Defendants.)
)

DECLARATION OF MICHAEL S. ROMANO

1. I am currently employed by the Federal Bureau of Prisons (hereafter "BOP"), and assigned to the United States Penitentiary, Lewisburg, PA(hereafter "USP Lewisburg"). I began employment with the BOP in 1991 as a Correctional Officer and was in that capacity through 2000. I returned to the Bureau of Prisons in May, 2006, as an Attorney Advisor. I remain in the capacity of Attorney Advisor assigned to USP Lewisburg. As a part of my duties and responsibilities, I have access to inmates' records, electronic data maintained on the BOP's SENTRY computer system, Administrative Remedy data, BOP Program Statements, and PACER. I certify that the Attachments referenced herein are true and accurate to the best of my knowledge. I make this declaration in support of defendant's response to Plaintiff's Motion in Opposition to Motion to Dismiss or in the Alternative, Motion for Summary Judgment.

2. The Prison Litigation Reform Act requires inmates to fully exhaust their available administrative remedies before seeking relief in cases involving prison conditions. 42 U.S.C. § 1997 e(a). The BOP has promulgated an administrative remedy system which is

codified in 28 C.F.R. §§ 542.10, et seq., and BOP Program Statement 1330.16, Administrative Remedy Program. The administrative remedy process is a method by which an inmate may seek formal review of a complaint related to any aspect of his imprisonment. 28 C.F.R. § 542.10. To exhaust his remedies, an inmate must file an administrative remedy with the Warden, Regional Director, and General Counsel. The inmate is required to first address his complaint to the Warden within 20 calendar days following the date on which the basis for the request occurred.

28 C.F.R. § 542.14. If the inmate is dissatisfied with the Warden's response, he may appeal to the Regional Director within 20 calendar days of the date the Warden signed the response.

28 C.F.R. § 542.15. If dissatisfied with the Regional Director's response, the inmate may appeal to the General Counsel within 30 calendar days of the date the Regional Director signed the response. 28 C.F.R. § 542.15. Once an inmate receives a response to his appeal from the General Counsel after filing administrative remedies at all three levels, his administrative remedies are exhausted as to the specific issue raised. The inmate may then file a civil action if he is dissatisfied with the General Counsel's response, and has completed the administrative remedy process at all three required levels. See **BOP Program Statement 1330.16, available for review at www.bop.gov.**

3. All codified BOP Program Statements are available for inmate access via the institution law library, including BOP Program Statement 1330.16, Administrative Remedy Procedures for Inmates.

4. The Plaintiff in this action is The Plaintiff is a federal inmate currently confined in the United States Penitentiary, Lewisburg, Pennsylvania (USP Lewisburg). The Plaintiff is currently serving a sentence of 168 months term of imprisonment for possession of cocaine base and felon in possession of a firearm. His sentence was imposed by the United States District Court, Eastern

District of Tennessee. He has a projected release date of April 1, 2011.

See Attachment A, Public Information Inmate Data.

5. The Plaintiff filed the instant matter with the court on May 14, 2010. Plaintiff represented to the court that he attempted to exhaust the Administrative Remedy process as to the issue raised in his Complaint. A review of the Sentry data base reveals Plaintiff has filed 23 administrative remedies. He completed the process with in one remedy which was unrelated to the issue raised in this Complaint. Records reveal Plaintiff attempted to file a remedy directly with Central Office on May 11, 2010 (Remedy No. 592904-A1). The allegation was that staff abused their authority and tried to kill/assault him. The remedy was rejected for filing at the wrong level.

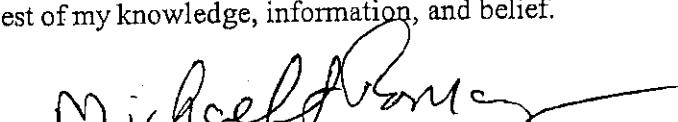
See Attachment B, Administrative Remedy Generalized Retrieval.

6. Therefore, he did not properly exhaust on the issues raised in Plaintiff's complaint.

7. Records indicate on March 1, 2010, Defendant Trate (Captain) was made aware of the disruptive behavior and threats against staff made by the Plaintiff and his cellmate by the shift lieutenant. Defendant Trate requested authorization from Defendant Bledsoe (Warden) to assemble a Use of Force Team to gain control of the inmates. Warden Blesoe authorized the assembly and use of a Use of Force Team. The Plaintiff and his cell mate were initially responsive to the confrontation avoidance procedures and submitted to restraints. When removed from the cell the Plaintiff resisted and had to be placed against the wall to regain control of him. Plaintiff was medically assessed following the incident. See **Attachment C, Form 583, Report of Incident, dated March 1, 2010.**

I declare under penalty of perjury pursuant to 28, United States Code, Section 1746, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 6th day of July, 2010.



Michael S. Romano
Attorney Advisor
USP Lewisburg

Attachment A

LEW17
PAGE 001

*
*

PUBLIC INFORMATION
INMATE DATA
AS OF 06-08-2010

* 06-08-2010
* 13:55:52

REGNO.: 16553-074 NAME: HOLMES, ADRIAN S

RESP OF: LEW
PHONE.: 570-523-1251

FAX: 570-522-7745
RACE/SEX.: BLACK / MALE

PROJ REL MT: GOOD CONDUCT TIME RELEASE
PROJ REL DT: 04-01-2011

AGE: 34
PAR ELIG DT: N/A
PAR HEAR DT:

G0002 MORE PAGES TO FOLLOW . . .

LEW17 * PUBLIC INFORMATION * 06-08-2010
PAGE 002 * INMATE DATA * 13:55:52
AS OF 06-08-2010

REGNO...: 16553-074 NAME: HOLMES, ADRIAN S

RESP OF: LEW
PHONE...: 570-523-1251 FAX: 570-522-7745
HOME DETENTION ELIGIBILITY DATE: 10-01-2010

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 04-01-2011 VIA GCT REL

-----COURT JUDGMENT/WARRANT NO: 010-----

COURT OF JURISDICTION.....: TENNESSEE, EASTERN DISTRICT
DOCKET NUMBER.....: 3:98CR00006-001
JUDGE.....: JARVIS
DATE SENTENCED/PROBATION IMPOSED: 01-22-1999
DATE COMMITTED.....: 03-19-1999
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$200.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----COURT OBLIGATION NO: 010-----

OFFENSE CODE....: 391
OFF/CHG: 21:841(A)(1) & (B)(1)(B)-POSS WITD COCAINE BASE, 18:922(G)(1)-
FELON POSS FIREARM

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 180 MONTHS
TERM OF SUPERVISION.....: 8 YEARS
NEW SENTENCE IMPOSED.....: 168 MONTHS
BASIS FOR CHANGE.....: USSG CCOCAINE DCSN 12-11-2007
DATE OF OFFENSE.....: 01-13-1998

G0002 MORE PAGES TO FOLLOW . . .

LEW17 *
PAGE 003 OF 003 *

PUBLIC INFORMATION
INMATE DATA
AS OF 06-08-2010

* 06-08-2010
* 13:55:52

REGNO...: 16553-074 NAME: HOLMES, ADRIAN S

RESP OF: LEW
PHONE...: 570-523-1251 FAX: 570-522-7745
----- CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 02-09-2010 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 12-14-2009 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 01-22-1999
TOTAL TERM IN EFFECT.....: 168 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 14 YEARS
EARLIEST DATE OF OFFENSE.....: 01-13-1998

JAIL CREDIT.....	FROM DATE	THRU DATE
	01-13-1998	01-13-1998
	01-26-1998	01-21-1999

TOTAL PRIOR CREDIT TIME.....: 362
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 299
TOTAL GCT EARNED.....: 236
STATUTORY RELEASE DATE PROJECTED: 04-01-2011
EXPIRATION FULL TERM DATE.....: 01-25-2012

PROJECTED SATISFACTION DATE.....: 04-01-2011
PROJECTED SATISFACTION METHOD...: GCT REL

58

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

Attachment B

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 001 OF 13:56:07
FUNCTION: L-P SCOPE: REG EQ 16553-074 OUTPUT FORMAT: FULL
-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----
DT RCV: FROM ____ THRU ____ DT STS: FROM ____ THRU ____
DT STS: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT RDU
DT TDU: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT TRT
STS/REAS: _____
SUBJECTS: _____
EXTENDED: REMEDY LEVEL: _____ RECEIPT: "OR" EXTENSION: _____
RCV OFC: EQ _____
TRACK: DEPT: _____
PERSON: _____
TYPE: _____
EVNT FACL: EQ _____
RCV FACL: EQ _____
RCV UN/LC: EQ _____
RCV QTR.: EQ _____
ORIG FACL: EQ _____
ORG UN/LC: EQ _____
ORIG QTR.: EQ _____

G0002 MORE PAGES TO FOLLOW

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 002 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: LVN
REMEDY ID: 206591-F1 SUB1: 21AM SUB2: DATE RCV: 02-24-2000
UNT RCV.: BL QTR RCV.: B03-247U FAACL RCV: LVN
UNT ORG.: BL QTR ORG.: B03-247U FAACL ORG: LVN
EVT FAACL.: LVN ACC LEV: LVN 1 RESP DUE: TUE 04-04-2000
ABSTRACT.: WOULD LIKE INCIDENT REPORT EXPUNGED (PHONE)
STATUS DT: 03-24-2000 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: 751873 RCT: P EXT: P DATE ENTD: 02-24-2000
REMARKS...:

REGNO: 16553-074 NAME: HOLMES, ADRIAN QTR.: D01-115L RCV OFC: THP
RSP OF...: LEW UNT/LOC/DST: BREWER SMU DATE RCV: 12-13-2005
REMEDY ID: 397810-F1 SUB1: 33ZM SUB2: FAACL RCV: THP
UNT RCV.: A/F QTR RCV.: F02-228L FAACL ORG: THP
UNT ORG.: A/F QTR ORG.: F02-228L RESP DUE: MON 01-02-2006
EVT FAACL.: THP ACC LEV: THP 1 NCR 1 ABSTRACT.: INMATE WANTS A COPY OF HIS PSI.
STATUS DT: 12-29-2005 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 12-13-2005
REMARKS...:

G0002 MORE PAGES TO FOLLOW .

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 003 OF * FULL SCREEN FORMAT 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: NCR
REMEDY ID: 397810-R1 SUB1: 33ZM SUB2: DATE RCV: 01-17-2006
UNT RCV.: A/F QTR RCV.: F02-228L FACL RCV: THP
UNT ORG.: A/F QTR ORG.: F02-228L FACL ORG: THP
EVT FACL.: THP ACC LEV: THP 1 NCR 1 RESP DUE: THU 02-16-2006
ABSTRACT.: INMATE WANTS A COPY OF HIS PSI.
STATUS DT: 02-07-2006 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 01-24-2006
REMARKS...:

REGNO: 16553-074 NAME: HOLMES, ADRIAN QTR.: D01-115L RCV OFC: THP
RSP OF...: LEW UNT/LOC/DST: BREWER SMU DATE RCV: 08-24-2007
REMEDY ID: 464054-F1 SUB1: 14AM SUB2: FACL RCV: THP
UNT RCV.: A/F QTR RCV.: F02-216U FACL ORG: THP
UNT ORG.: A/F QTR ORG.: F02-216U RESP DUE: THU 09-13-2007
EVT FACL.: THP ACC LEV: THP 1 ABSTRACT.: COMPLAINING ABOUT PLACEMENT IN THE HOOSIER PROGRAM.
STATUS DT: 09-20-2007 STATUS CODE: CLO STATUS REASON: XPL
INCRPTNO.: RCT: P EXT: DATE ENTD: 08-24-2007
REMARKS...:

G0002 MORE PAGES TO FOLLOW

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 004 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: NCR
REMEDIY ID: 464258-R1 SUB1: 20DS SUB2: DATE RCV: 08-24-2007
UNT RCV.: A/F QTR RCV.: F02-216U FACL RCV: THP
UNT ORG.: A/F QTR ORG.: F02-216U FACL ORG: THP
EVT FACL.: THP ACC LEV: RESP DUE:
ABSTRACT.: DHO APPEAL
STATUS DT: 08-24-2007 STATUS CODE: REJ STATUS REASON: DHO RSA
INCRPTNO.: RCT: EXT: DATE ENTD: 08-27-2007
REMARKS...:

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: NCR
REMEDIY ID: 464933-R1 SUB1: 20DM SUB2: DATE RCV: 08-30-2007
UNT RCV.: A/F QTR RCV.: Z01-001L FACL RCV: THP
UNT ORG.: A/F QTR ORG.: Z01-001L FACL ORG: THP
EVT FACL.: THP ACC LEV: RESP DUE:
ABSTRACT.: DHO APPEAL
STATUS DT: 08-30-2007 STATUS CODE: REJ STATUS REASON: DHO RSA
INCRPTNO.: RCT: EXT: DATE ENTD: 08-30-2007
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 005 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: NCR
REMEDY ID: 471833-R1 SUB1: 20DM SUB2: DATE RCV: 11-01-2007
UNT RCV.: A/F QTR RCV.: Z03-207L FAACL RCV: THP
UNT ORG.: A/F QTR ORG.: Z03-207L FAACL ORG: THP
EVT FAACL.: THP ACC LEV: RESP DUE:
ABSTRACT.: DHO APPEAL
STATUS DT: 11-01-2007 STATUS CODE: REJ STATUS REASON: FRM RSA
INCRPTNO.: RCT: EXT: DATE ENTD: 11-01-2007
REMARKS...:

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: BSY
REMEDY ID: 490592-F1 SUB1: 21AS SUB2: DATE RCV: 04-21-2008
UNT RCV.: A UNIT QTR RCV.: C02-210L FAACL RCV: BSY
UNT ORG.: A UNIT QTR ORG.: C02-210L FAACL ORG: BSY
EVT FAACL.: BSY ACC LEV: RESP DUE:
ABSTRACT.: UDC APPEAL
STATUS DT: 04-22-2008 STATUS CODE: VOD STATUS REASON:
INCRPTNO.: RCT: EXT: DATE ENTD: 04-21-2008
REMARKS...: ACCEPTED IN ERROR

G0002 MORE PAGES TO FOLLOW

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 006 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: BSY
REMEDIY ID: 490592-F2 SUB1: 21AS SUB2: DATE RCV: 04-21-2008
UNT RCV...: A UNIT QTR RCV.: C02-210L FAACL RCV: BSY
UNT ORG...: A UNIT QTR ORG.: C02-210L FAACL ORG: BSY
EVT FAACL.: BSY ACC LEV: RESP DUE:
ABSTRACT.: UDC APPEAL
STATUS DT: 04-22-2008 STATUS CODE: REJ STATUS REASON: INF
INCRPTNO.: 1709563 RCT: EXT: DATE ENTD: 04-22-2008
REMARKS...:

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: BTF
REMEDIY ID: 505731-F1 SUB1: 10ZM SUB2: DATE RCV: 08-25-2008
UNT RCV...: M UNIT QTR RCV.: Z01-253L FAACL RCV: BTF
UNT ORG...: M UNIT QTR ORG.: Z01-253L FAACL ORG: BTF
EVT FAACL.: BTF ACC LEV: RESP DUE:
ABSTRACT.: DOES NOT WANT TO GO TO FLORENCE
STATUS DT: 08-25-2008 STATUS CODE: REJ STATUS REASON: INF
INCRPTNO.: RCT: EXT: DATE ENTD: 08-25-2008
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 007 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: NCR
REMEDY ID: 521997-R1 SUB1: 34AS SUB2: DATE RCV: 01-08-2009
UNT RCV.: E QTR RCV.: Z02-205L FACL RCV: FLP
UNT ORG.: E QTR ORG.: Z02-205L FACL ORG: FLP
EVT FACL.: FLP ACC LEV: RESP DUE:
ABSTRACT.: STAFF MISCONDUCT
STATUS DT: 01-08-2009 STATUS CODE: REJ STATUS REASON: INS SEN
INCRPTNO.: RCT: EXT: DATE ENTD: 01-09-2009
REMARKS...:

REGNO: 16553-074 NAME: HOLMES, ADRIAN QTR.: D01-115L RCV OFC: FLP
RSP OF...: LEW UNT/LOC/DST: BREWER SMU DATE RCV: 01-13-2009
REMEDY ID: 522431-F1 SUB1: 34AS SUB2: FACL RCV: FLP
UNT RCV.: E QTR RCV.: Z02-205L FACL ORG: FLP
UNT ORG.: E QTR ORG.: Z02-205L RESP DUE:
EVT FACL.: FLP ACC LEV:
ABSTRACT.: STAFF MISCONDUCT
STATUS DT: 01-13-2009 STATUS CODE: REJ STATUS REASON: CON MSI RSF
INCRPTNO.: RCT: EXT: DATE ENTD: 01-13-2009
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 008 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: FLP
REMEDY ID: 525672-F1 SUB1: 24AM SUB2: DATE RCV: 02-09-2009
UNT RCV.: E QTR RCV.: Z03-100L FAACL RCV: FLP
UNT ORG.: E QTR ORG.: Z03-100L FAACL ORG: FLP
EVT FAACL.: FLP ACC LEV: FLP 1 RESP DUE: SUN 03-01-2009
ABSTRACT.: COMPLAINTS ABOUT WHO HELD THE UDC HEARING
STATUS DT: 02-27-2009 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 02-09-2009
REMARKS...:

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: FLP
REMEDY ID: 525884-F1 SUB1: 24AS SUB2: DATE RCV: 02-11-2009
UNT RCV.: E QTR RCV.: Z03-100L FAACL RCV: FLP
UNT ORG.: E QTR ORG.: Z03-100L FAACL ORG: FLP
EVT FAACL.: FLP ACC LEV: FLP 1 RESP DUE: TUE 03-03-2009
ABSTRACT.: COMPLAINTS ABOUT RECEIVING SUGAR SUBSTITUTE
STATUS DT: 04-10-2009 STATUS CODE: CLO STATUS REASON: OTH
INCRPTNO.: RCT: P EXT: DATE ENTD: 02-11-2009
REMARKS...: 525884-F1 WAS MISPLACED AND CONSIDERED DENIED IN
ACCORDENCE WITH THE PROGRAM STATEMENT.

G0002 MORE PAGES TO FOLLOW . . .

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 009 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: FLP
REMEDY ID: 529215-F1 SUB1: 33HS SUB2: DATE RCV: 03-09-2009
UNT RCV.: E QTR RCV.: Z03-100L FACL RCV: FLP
UNT ORG.: E QTR ORG.: Z03-100L FACL ORG: FLP
EVT FACL.: FLP ACC LEV: FLP 1 RESP DUE: SUN 03-29-2009
ABSTRACT.: REQUESTING PROGRAM STATEMENT FOR BP-9
STATUS DT: 03-18-2009 STATUS CODE: CLO STATUS REASON: XPL
INCRPTNO.: RCT: P EXT: DATE ENTD: 03-09-2009
REMARKS...:

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: NCR
REMEDY ID: 535728-R1 SUB1: 10ZS SUB2: 20DS DATE RCV: 04-17-2009
UNT RCV.: E QTR RCV.: Z03-137LDS FACL RCV: FLP
UNT ORG.: E QTR ORG.: Z03-137LDS FACL ORG: FLP
EVT FACL.: FLP ACC LEV: RESP DUE:
ABSTRACT.: OTHER TRANSFER
STATUS DT: 04-17-2009 STATUS CODE: REJ STATUS REASON: MLT MSI INF INS DHO
INCRPTNO.: RCT: EXT: DATE ENTD: 04-23-2009
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 010 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: BOP
REMEDY ID: 540286-A1 SUB1: 15IS SUB2: DATE RCV: 05-12-2009
UNT RCV.: BREWER SMU QTR RCV.: Z05-113LAD FACL RCV: LEW
UNT ORG.: BREWER SMU QTR ORG.: Z05-113LAD FACL ORG: LEW
EVT FACL.: LEW ACC LEV: BOP 3 RESP DUE:
ABSTRACT.: APPEALING PLACEMENT IN SMU PROGRAM
STATUS DT: 05-27-2009 STATUS CODE: REJ STATUS REASON: OTH ONE CPG RSA
INCRPTNO.: RCT: EXT: DATE ENTD: 05-27-2009
REMARKS.: EACH PAGE OF THE BP-11 MUST BE LEGIBLE. CONSIDER
WRITING ON EACH PAGE WITH THE SAME WORDING.

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: BOP
REMEDY ID: 540286-A2 SUB1: 15IS SUB2: DATE RCV: 06-22-2009
UNT RCV.: BREWER SMU QTR RCV.: Z07-218LAD FACL RCV: LEW
UNT ORG.: BREWER SMU QTR ORG.: Z05-113LAD FACL ORG: LEW
EVT FACL.: LEW ACC LEV: BOP 3 RESP DUE:
ABSTRACT.: APPEALING PLACEMENT IN SMU PROGRAM
STATUS DT: 07-08-2009 STATUS CODE: REJ STATUS REASON: OTH RSA
INCRPTNO.: RCT: EXT: DATE ENTD: 07-08-2009
REMARKS.: ALL FOUR PAGES OF THE BP-11 MUST BE LEGIBLE.
CONSIDER WRITING ON EACH PAGE WITH THE SAME
WORDING.

G0002 MORE PAGES TO FOLLOW. . .

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
 PAGE 011 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
 RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: BOP
 REMEDY ID: 540286-A3 SUB1: 15IS SUB2: DATE RCV: 08-03-2009
 UNT RCV.: BREWER SMU QTR RCV.: Z07-220LAD FAACL RCV: LEW
 UNT ORG.: BREWER SMU QTR ORG.: Z05-113LAD FAACL ORG: LEW
 EVT FAACL.: LEW ACC LEV: BOP 3 RESP DUE: FRI 10-02-2009
 ABSTRACT.: APPEALS PLACEMENT IN SMU PROGRAM
 STATUS DT: 12-22-2009 STATUS CODE: CLD STATUS REASON: DNY
 INCRPTNO.: RCT: P EXT: P DATE ENTD: 09-04-2009
 REMARKS...

REGNO: 16553-074 NAME: HOLMES, ADRIAN
 RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: LEW
 REMEDY ID: 559703-F1 SUB1: 32DS SUB2: DATE RCV: 10-08-2009
 UNT RCV.: CHLDRS SMU QTR RCV.: E01-109U FAACL RCV: LEW
 UNT ORG.: CHLDRS SMU QTR ORG.: E01-109U FAACL ORG: LEW
 EVT FAACL.: LEW ACC LEV: LEW 1 RESP DUE: WED 10-28-2009
 ABSTRACT.: WANTS COPY OF PSI
 STATUS DT: 10-15-2009 STATUS CODE: CLD STATUS REASON: DNY
 INCRPTNO.: RCT: P EXT: DATE ENTD: 10-08-2009
 REMARKS...

CURRENT INVESTIGATIVE AND RELIEF TRACKING DATA					
DATE DUE	DEPARTMENT	TO	DATE ASSN	TRK TYPE	DATE RETURNED
THU 10-15-2009	UNIT 2	DC	10-08-2009	INV	10-08-2009
MON 10-19-2009	AWP	CM	10-09-2009	INV	10-13-2009
WED 10-21-2009	EXEC ASST	SF	10-13-2009	INV	10-14-2009
FRI 10-23-2009	CEO	BB	10-14-2009	SIG	10-15-2009

G0002 MORE PAGES TO FOLLOW . . .

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 012 OF * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: NER
REMEDY ID: 589319-R1 SUB1: 34AM SUB2: DATE RCV: 05-07-2010
UNT RCV.: BREWER SMU QTR RCV.: E02-205U FAACL RCV: LEW
UNT ORG.: BREWER SMU QTR ORG.: E02-205U FAACL ORG: LEW
EVT FAACL.: LEW ACC LEV: RESP DUE:
ABSTRACT.: STAFF COMPLAINT
STATUS DT: 05-10-2010 STATUS CODE: REJ STATUS REASON: INS SEN
INCRPTNO.: RCT: EXT: DATE ENTD: 05-10-2010
REMARKS...:

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF...: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: BOP
REMEDY ID: 592904-A1 SUB1: 34DM SUB2: 33HS DATE RCV: 05-11-2010
UNT RCV.: CHLDRS SMU QTR RCV.: E02-205U FAACL RCV: LEW
UNT ORG.: CHLDRS SMU QTR ORG.: E02-205U FAACL ORG: LEW
EVT FAACL.: LEW ACC LEV: RESP DUE:
ABSTRACT.: ABUSE OF AUTHORITY/TRYING TO KILL HIM/ASSAULTED
STATUS DT: 05-11-2010 STATUS CODE: REJ STATUS REASON: WRL INS
INCRPTNO.: RCT: EXT: DATE ENTD: 06-05-2010
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

LEW17 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-08-2010
PAGE 013 OF 013 * FULL SCREEN FORMAT * 13:56:07

REGNO: 16553-074 NAME: HOLMES, ADRIAN
RSP OF.: LEW UNT/LOC/DST: BREWER SMU QTR.: D01-115L RCV OFC: LEW
REMEDY ID: 591754-F1 SUB1: 34AS SUB2: DATE RCV: 05-27-2010
UNT RCV.: CHLDRS SMU QTR RCV.: E03-307L FACL RCV: LEW
UNT ORG.: CHLDRS SMU QTR ORG.: E03-307L FACL ORG: LEW
EVT FACL.: LEW ACC LEV: RESP DUE:
ABSTRACT.: CLAIMS STAFF MISCONDUCT/STAFF WRITING INCIDENT RPTS.
STATUS DT: 05-27-2010 STATUS CODE: REJ STATUS REASON: INF RSF
INCRPTNO.: RCT: EXT: DATE ENTD: 05-27-2010
REMARKS...:

G0000 23 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

Attachment C

Form 583 Report of Incident

Incident #: LEW-10-0249

Submitted By: B. A. Bledsoe, Warden

Date/Time Of Incident: 3/1/2010 2:48 PM

Section 1: General Information

FBI Notified: No USMS Notified: No Incident Location: Housing Unit, Secured

Indicate Where Incident Occurred: Main Facility

Type Of Incident

- Assault On Inmate
- Assault On Staff
- Assault, Attempted On Inmate
- Assault, Attempted On Staff
- Disruptive Behavior
- Escape From Non-secure Facility
- Escape From Secure Facility
- Escape, Attempted From Non-secure Facility
- Escape, Attempted From Secure Facility
- Fight
- Inmate Death
- Institution Disturbance
- Introduction Of Contraband
- Lethal Weapons Discharge
- Self Mutilation
- Setting A Fire
- Sexual Act, Non-consensual On Inmate
- Sexual Assault On Staff
- Sexual Contact, Abusive On Inmate
- Staff Homicide
- Strike, Food
- Strike, Work
- Suicide Attempt
- Use Of Force
- Use Of Force/Applications Of Restraints
- Use Of Restraints; Pregnant Inmate

Institution Locked Down: No**Cause Of Incident Known?** No**Cause Of Incident**

- Alcohol
- Commissary
- Debts
- Disrespect Issue
- Drugs
- Ethnic Conflict
- Food Issue
- Geographical Conflict
- Interfering with Staff duties
- Property Issue
- Racial Conflict
- Recreation Equipment
- Religious Issue
- Security Threat Group Conflict
- Sexual Pressure
- Sporting Events
- Telephone
- Theft
- Visiting
- Work Issue

Section 2: Inmates Involved

Reg #: 08214062 Name: BROWN, JEROME

Role: Assailant Medical Attention Required: No

Weapon (per inmate): No Use of Force (per inmate): Yes Chemical Used (per inmate): No

CIMS: Yes STG: No

Restraints (per inmate): Prolonged

Restraints Authorized By: Bledsoe, B. A.

Date/Time Placed In Restraints: 3/1/2010 3:10 PM

Restraint Equipment Used: Hard Soft

Form 583 Report of Incident

Incident #: LEW-10-0249

Submitted By: B. A. Bledsoe, Warden

Date/Time Of Incident: 3/1/2010 2:48 PM

Restraint Method Used: Ambulatory 2-Point 4-Point

Death (per inmate): No

Reg #: 16553074 Name: HOLMES, ADRIAN

Role: Assailant

Medical Attention Required: Institution

Weapon (per inmate): No Use of Force (per inmate): Yes Chemical Used (per inmate): No

CIMS: Yes

STG: Yes

Restraints (per inmate): Prolonged

Restraints Authorized By: Bledsoe, B. A.

Date/Time Placed In Restraints: 3/1/2010 3:10 PM

Restraint Equipment Used: Hard SoftRestraint Method Used: Ambulatory 2-Point 4-Point

Death (per inmate): No

Section 3: Others Involved

No data found.

Section 4: Lethal Weapon Discharge

No data found.

Section 5: Use of Force

Use of Force Classification: Calculated, Planned Use Of Force

Staff Name	Medical Attention	Role
Sassaman, A.	No	UOF Lieutenant
Wintersteen, B.	No	Camera Operator
Schlauch, C.	No	Confrontational Avoidance
Deleon, D.	No	Medical
Reed, D.	No	UOF Team Member
Wise, G.	No	UOF Team Member
Carpenter, J.	No	UOF Team Member
Lesho, J.	No	UOF Team Member
Kratzer, K.	No	Camera Operator
Whittaker, K.	No	UOF Team Member
Kaskie, M.	No	UOF Team Member
Cross, R.	No	UOF Team Member

Was Incident Videotaped? Yes

If Yes, Tape ECN: pending

If Yes, Was Video Tape Sequential? Yes

If No, Why:

Reason For Use Of Force

- Displayed Signs Of Imminent Violence
 Enforcement Of Institution Regulations

Form 583 Report of Incident

Incident #: LEW-10-0249

Submitted By: B. A. Bledsoe, Warden

Date/Time Of Incident: 3/1/2010 2:48 PM

Chemicals Used

Chemical	Quantity
No data found.	

Less-Lethal Weapons Used

Less-Lethal Weapon	Quantity
No data found.	

Other Equipment Used

Other Equipment	Quantity
No data found.	

Section 6: Description of Incident

DESCRIPTION OF INCIDENT (If Use Of Force, include details such as name of supervisor applying the chemical agent and/or restraints, reasons for use of hard restraints instead of soft restraints, etc.) Please be clear about cause(s) of the incident in your description.

On March 1, 2010, at approximately 2:48 p.m., the Warden authorized a Use of Force Team be assembled, and inmates Adrian Holmes' #16553-074 and Jerome Brown's #08214-062 placement into ambulatory restraints due to their disruptive behavior and displaying signs of imminent violence. Specifically, both inmates refused to relinquish their food trays from the noon meal, and made threatening statements towards staff, while housed in D-Block cell #202. Confrontation avoidance procedures were initiated, with positive results. Both inmates submitted to hand restraints. As the Use of Force Team took control of inmate Holmes to escort him from the cell, he became resistive and attempted to pull away from the escort, causing the Use of Force Team to place him against the wall to regain control. Both inmates were then escorted to the second floor shower area, where they were placed into ambulatory restraints, medically assessed, and escorted back to cell #202, where they remained in ambulatory restraints. Inmate Holmes' medical assessment noted a small abrasion to his right eyebrow. Inmate Brown's medical assessment noted no injuries. No staff injuries were reported.

Section 7: Attachments

File Date	File Name	Original Entered By	Original Loc. Code
3/1/2010	10-249 Staff memos.pdf	TF18173	LEW
3/1/2010	3-1-10 Inmate Roster.pdf	TF18173	LEW
3/1/2010	Brown I.R..pdf	TF18173	LEW
3/1/2010	Brown med assessment.pdf	TF18173	LEW
3/1/2010	Holmes I.R..pdf	TF18173	LEW
3/1/2010	Holmes med assessment.pdf	TF18173	LEW

Approved By: SUBMITTED

B. A. Bledsoe, Warden

Attachment D

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: HOLMES, ADRIAN S	Reg #: 16553-074
Date of Birth: RIAN S	Race: BLACK
Encounter Date: 03/01/2010 15:41	Provider: DeLeon, Dan RN/IDC
	Facility: LEW

Injury Assessment-Not Work Related encounter performed at Special Housing Unit.

SUBJECTIVE:

INJURY 1 **Provider:** DeLeon, Dan RN/IDC

Date of Injury: 03/01/2010 14:48 **Date Reported for Treatment:** 03/01/2010 15:41

Work Related: No **Work Assignment:** UNASSG

Where Did Injury Happen (Be specific as to location):

D202

Cause of Injury (Inmate's Statement of how injury occurred):

Inmate involved in calculated use of force, became resistant to escort officers, small abrasion to brow upper right eye. bleeding controlled by time of assessment, no further treatment necessary

Symptoms (as reported by inmate):

"What the fuck can't you see my eye is bleeding!!"

OBJECTIVE:

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
03/01/2010	15:42 LEW	72			DeLeon, Dan RN/IDC

Respirations:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Provider</u>
03/01/2010	15:42 LEW	18	DeLeon, Dan RN/IDC

Exam:

Skin

Trauma

Abrasions (yes)
Above OD, bleeding ceased at time of assessment

Eyes

General

PERRLA (yes)

Peripheral Vascular

Arms

Capillary Refill Normal (yes)

Legs

Capillary Refill Normal (yes)

ASSESSMENT:

Bleeding-Traumatic

PLAN:

Disposition:

Discharged to Housing Unit with Convalescence

Inmate Name: HOLMES, ADRIAN S	Reg #: 16553-074
Date of Birth: DRIAN S	Race: BLACK
Encounter Date: 03/01/2010 15:41	Facility: LEW

Other:

Circulation checks WNL

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
03/01/2010	Counseling	Access to Care	DeLeon, Dan	Needs Reinforcement

Copay Required: No **Cosign Required:** Yes

Telephone/Verbal Order: No

Completed by DeLeon, Dan RN/IDC on 03/01/2010 15:45

Requested to be cosigned by Pigos, Kevin MD/Clinical Director.

Cosign documentation will be displayed on the following page.

Requested to be reviewed by Navarro, I. MLP.

Review documentation will be displayed on the following page.

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	HOLMES, ADRIAN S	Reg #:	16553-074
Date of Birth:	RIAN S	Race:	BLACK
Encounter Date:	03/01/2010 15:41	Provider:	DeLeon, Dan RN/IDC
		Facility:	LEW

Cosigned by Pigos, Kevin MD/Clinical Director on 03/02/2010 09:04.

Reviewed by Navarro, I. MLP on 03/02/2010 09:46.

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ADRIAN S. HOLMES,	:	NO. 4:CV-10-1043
Plaintiff	:	
	:	(McClure, J.)
v.	:	
	:	
WARDEN BLEDSOE, et al.	:	
Defendants	:	Filed Electronically

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on August 17, 2010, she served a copy of the attached

**EXHIBITS IN SUPPORT OF DEFENDANTS'
STATEMENT OF MATERIAL FACTS
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Adrian S. Holmes
Reg. No. 16553-074
USP Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

/s/ Joanne M. Hoffman
JOANNE M. HOFFMAN
Paralegal Specialist

COVER-SHEET

EXHIBIT: V (ADMINISTRATIVE REMEDIES APPEALS)

As You Will See Plaintiff HOLMES Has Done/Did His Remedies
Appeal Starting In The Year Of 2010 So That WILL Prove
that At Every Level Has Knowledge Of Mr. HOLMES HOSTAGE
situation IN Violation Of The CONSTITUTIONAL AMEND-
MENT LAW(s) (Excessive Time - Over Done Time)

Receive: Feb 25, 2011, Time: 3:32 p.m.
Friday
By: M. Kemmer

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: FEBRUARY 22, 2011

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : ADRIAN S HOLMES, 16553-074
LEWISBURG USP UNT: Z-BLOCK QTR: Z03-202L
2400 ROBERT F. MILLER DRIVE
LEWISBURG, PA 17837

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 616680-A2 CENTRAL OFFICE APPEAL
DATE RECEIVED : FEBRUARY 4, 2011
SUBJECT 1 : OTHER SENTENCE COMPUTATION
SUBJECT 2 :
INCIDENT RPT NO:

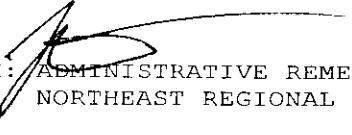
REJECT REASON 1: SEE REMARKS.

REMARKS : CONCUR WITH THE REGION'S RATIONALE FOR REJECTING
THIS APPEAL.

RECEIVED
FEB 24 2011
ADMIN REMEDY CLERK
USP LEWISBURG

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JANUARY 24, 2011


FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : ADRIAN S HOLMES, 16553-074
LEWISBURG USP UNT: Z-BLOCK QTR: Z03-2011
2400 ROBERT F. MILLER DRIVE
LEWISBURG, PA 17837

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDIY ID : 616680-R2 REGIONAL APPEAL
DATE RECEIVED : JANUARY 18, 2011
SUBJECT 1 : OTHER SENTENCE COMPUTATION
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: SEE REMARKS.

REJECT REASON 2: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN
10 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REMARKS : RESUBMISSION IS UNTIMELY. DUE 1/13 RECEIVED 1/18
PROVIDE STAFF VERIFICATION FOR UNTIMELINESS

HOLMES, Adrian S.
16553-074

You request that your release date be changed to April 01, 2011.

You are currently serving a 168 month sentence from Eastern District of Tennessee. You received 362 days of jail credit. Your current release date is June 04, 2010 via Good Conduct Time release. Your computation will not be adjusted unless the DSAC receives a court order to adjust your term of imprisonment. Your computation was certified and a final release audit done by the DSAC on February 09, 2010.

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: HOLMES, ADRIAN Sx #16SS3-074 Z-Unit USP Lewisburg
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL On Junx 27, 2011 - Thurs, I Have Recieve Again An "Urtimely Notice" From The Regional Level Which Is Bogusly Because I, Mr. A. HOLMES, Sent The BP-10 Out On Sunday - Jan 9, 2011, Time: 9:54AM. By: Counselor - Ms. Boysoe witness: Rodney Hill #04661-424 (See: AFFIDAVIT which Is Attach). Now By All Means I Believe That She Mail My Mail Out On Time" But She's Human Too... Now With That Being SAYD - I'm Having Problems With My Mail Going Out & Coming IN, I'm Also Doing Remedy On That Also. - Now On To The Issue At Hand & The FACTS Reminds And Sust that My Release Date Has Been Change From 04-01-2011 To Now 06-04-2011 And NO A All Give Me Any Actual Paper-Work Showing How This Has Been Done Because It's A Bigg & And I Do Not Have Any Cr.C. To Be Taken Nor Haven't Been Able To Appeal Any incorrection On The Matter From WHICH It Has Occur. Also Three Major FACT FINDERS: 1) My Own envelope That I Address To Them Were Not Attach To This Return Showing Proof Of When The Mail Were Sent Out & Which Were One With Others's Remedy. 2) The Stamp Were Stamp Another Date & TRY to Be Exchange Lock As The Stamp Dated: Jan. 8, 2011; (See Attach Page For Paragraph 3&4)

Jan 29, DATE 2011 - SAT

Mr. Holmes SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED
FEB 04 2011
Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

Part C - RECEIPT

CASE NUMBER:

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

BP-11 ATTACHMENT

3) Every Other Date Stamps Were Stamped On The First (FRONT) Page, The Regional Were Stamped On The Second (2nd) Page; 4) No One Is Putting Their Hand Signature On The Line.

Also See: P.S. 542.14(d) -
Appeal of Rejections

Mr Adrian S. Holmes

Date: Jan, 29, 2011 - SAT.

AFFIDAVIT

I, Mr. Rodney Hill, Swears To The Statement That I Am Giving Is The Truth And Nothing But The TRUTH. I Swear To The FACT OF TRUTH That Mr. HOLMES # 16553-074 Mail Out His Mail To The Region On Jan. 9, 2011-SUNDAY By: Ms. Baysore/Coynselor Which I Believe The Mailed Out On Time And We Were In Cell Z-227. An I Have Observe That The Regional Level Reject His Remedies For "Untimely" Which Is Not True NO TRUTH.

Above To Be Nothing But The TRUTH As An Oath If My Being X Rodney Hill #04661-424

Respectfully
Submitted

Name: Rodney Hill #04661-424

Date: 1/29/2011

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: HOLMES ADRIAN S #16533-074 Z-227 U.S.P. Lewisburg, PA
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL I AM Writing This In Concern Of My Release Date Being Change
HISTORY: On Dec. 14, 2009, The Court Of Knoxville, Tennessee Sent An ORDER From The
Court To The Designation And Sentence Computation Center (DSCC) To Reduce My 15yrs/180Mon
y A Reduction Of 12 Months Which NOW Makes My Sentence 14yrs/168 Months. So, Onc
y Sentence Time Change So Did My Release Date The Reason Why I Wasn't Release In The Year
f "2010" Unfortunately My Disciplinary Made My Release Date 04-01-2011. - That's Why Due To
the Fact The Warden BrAr Bledsoe Along With ArW Mr. Young And My Unit Team Did My "Release Date
From Second Change Act" In The Year/Date Of March 23, 2010 For My Release Date of 04-01-2011
See Attachments Of My Date Showing 04-01-2011 (The Unit Team Acting) - No One Has Given
Me Any Paper-Work Showing How/Or Why The Date Change From 04-01-2011 To 06-04-2011.

Jan. 5, 2011 Time 4:12 p.m.
 DATE

Mr. Adrian S. Holmes
 SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 6114650-RJ

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: HOLMES ADRIAN S. LAST NAME, FIRST, MIDDLE INITIAL # 16553-074 REG. NO. Z-204 UNIT U.S.P. Lewisburg, PA INSTITUTION

Part A - REASON FOR APPEAL *I Writting This In Concern Of My Release Date Being Change*
ISTORY & On Dec. 14, 2009, The Court Of Knoxville, Tennessee Sent An ORDER From The
Court To The Designation And Sentence Computation Center (DSCC) To Reduce My 15yrs./180 Months
/ A Reduction Of 12 Months Which NOW Makes My Sentence 14yrs./168 Months. So, Once
My Sentence Time Change So Did My Release Date The Reason Why I Wasn't Release In The Year
of "2010" Unfortunately My Disciplinary Made My Release Date 04-01-2011. - That's Why Due To
the Fact The Warden Dr. A. Bledsoe Along With Arliss Mix Young And My Unit Team Did My "Release Date
From Second Change ACT" In The Year/Date Of March 23, 2010 For My Release Date Of 04-01-2011
See Attachment #8 Of My Date- Hearing 04-01-2011 & The Unit Team Voting) - NO One Has Given
Me Any Paper Work Showing How &or why The Date Change From 04-01-2010 To 06-04-2011.

Dec. 23 2010
DATE

Adrian S. Holmes

SIGNATURE OF REQUESTER

Part B - RESPONSE

DEC 29 2010



DATE

GENERAL COUNSEL

CASE NUMBER:

16553-074

ORIGINAL: RETURN TO INMATE

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL



Admin. Remedy No.: 616680-F1
Part B- Response

ADMINISTRATIVE REMEDY RESPONSE

This is in response to your Request for Administrative Remedy dated November 25, 2010, wherein you request your release date be changed to April 1, 2011.

A review of this matter reveals you are currently serving a 180-month sentence, from the Eastern District of Tennessee, imposed on January 22, 1999. On December 14, 2009, a court order reduced your term to 168 months and you received 362 days of jail credit. Your current release date is June 4, 2011, via Good Conduct Time. Your sentence computation will not be adjusted unless the Designation Sentence and Computation Center (DSCC) receives a court order to adjust your term of imprisonment. Your computation was certified and a final release audit done by the Designation Sentence and Computation Center (DSCC) on February 09, 2010.

The above information is provided for informational purposes.

If you are dissatisfied with this response, you may appeal to the Regional Director, United States Federal Bureau of Prisons, Northeast Regional Office, United States Customs House - Seventh Floor, Second and Chestnut Streets, Philadelphia, PA 19106, within twenty (20) calendar days from the date of this response.

12-8-10

Date


B. A. Bledsoe, Warden

LEW 1330.13D
ADMINISTRATIVE REMEDY PROGRAM
ATTACHMENT A

INFORMAL RESOLUTION ATTEMPT

16-417

In accordance with Program Statement 1330.13, Administrative Remedy Program, this form will serve as documentation by the respective staff member and his unit manager to indicate an informal attempt to resolve the complaint of the following inmate:

NAME: Mr. HOLMES Reg. No. #16SS3-074
FORM TO INMATE: _____ STAFF Bayside _____
(Date) (Name) (Unit)

A BP-229 (13) WILL NOT ORDINARILY BE ACCEPTED WITHOUT THIS COMPLETED FORM ATTACHED

1. Nature of Complaint (to be completed by inmate):

Here Comes Mr. HOLMES #16SS3-074, Giving Acknowledgement That There Is A Birth Of "Plain Erra" As Of Now To My Release Date; HISTORYx The Courts' Made A Decision Then The Judge Made A ORDER Then Forward The ORDER To (OSCC) Designation And Sentence Computation Center Which The ORDER Were Done: Sian By Grace Wood-Coleman Dated: 10-14-2009 Time: 10:15:56 - 06:00 - The ORDER Were For A 12 Months Reduction - (FACT FIND IN(G))x The Original Time Set Forth Impose By The Court Was 180 months (15yrs) Full Expiration Term Date - The Year of 2013, With Prior Credit: 362 G.L.T. Since 13 At The Year of 2011 - Now Once, The 12 Months Reduction Were Put Into Effect Which Made The Time Change (19yrs) Full Expiration Term Date became: 2012 Also G.L.T. Became 361x - The Reason Why Mr. HOLMES #16SS3-074 Was NOT Release In The Year Of 2010 Because His Earned Good Time Put's Him At 04-01-2011 "PURE FACTS: Earned Good Time CAN NOT Be Tumped With NOR Can Future G.C.T Be Taken ONLY 54 DAYS For That Said Year." - Mr. HOLMES #16SS3-074 ONLY Has (168 months (14yrs)) An Serving 13 yrs. As Of Now, The "PLAINERRA" IS Why Was My Release Date Changed From 04-01-2011 (April) To Now 06-23-2011 (June) Which Was Done 08-30-2010? You Can't Take Earned Good Time Credit From ME.

SOLUTION: Change The "PLAINERRA" And Correct It By Putting My Release Date Back AT 04-01-2011.

Respectfully

Mr. Holmes #16SS3-074